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THE SOLUTION OF THE JAIL PROBLEM

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The county jail is the black sheep among our penal institutions. Our penitentiaries have been praised; our reformatories justly admired; but the county jail has been universally condemned. Foreigners are justly astonished at the conditions which prevail in our jails. They are shocked to find such an institution in the United States, a land that has made so many contributions to the science of penology. We cannot make excuses; we must admit that the criticism is just.

If John Howard, the English prison reformer of the eighteenth century, were to return to earth today, he would feel perfectly at home when once he had passed within the doors of a jail. In many cases, he would find the jail but little improved in sanitation, and the association of old and young offenders, of tried and untried prisoners, would seem perfectly natural to him. But if anything more were needed to put him quite at ease, the idleness, the lack of all means of mental and moral uplift, the food and the system of fees would soon cause him to forget the long years elapsed since his days as sheriff of Bedford jail in Merry Old England. It is true that if he were to search, he would find some jails that would cause his heart to rejoice, in some measure compensating him for the many arduous years which he gave to the cause of prison reform. But these jails are scarce. They are the exceptions, in no wise typical. For notwithstanding the enthusiasm of Americans for prison reform, the jail has remained practically untouched and is today a standing rebuke to our statesmen and a serious menace to the community.

The jail problem is an old problem and one wonders why it has not been solved. Personally, I believe that the efforts have failed because they have not been made in the right direction. On account of a certain conservatism and a hesitation to suggest an alteration in our scheme of government, people have been unwilling to see the real difficulty in the way of reform. Too much time has been spent in trying to induce local officials to make changes. This policy has not succeeded and will not succeed because the problem is, in most

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instances, too great for local officials to solve. In the very nature of the case, as I shall attempt to show, it is beyond their powers.

Our jail system came from England. The transplanting of this system occurred at a period in England when the political subdivisions of the country were particularly free from the power of the central government. The jails of England were local institutions, and as local institutions they were installed in this country and have so remained. In England, on the contrary, there was a steady growth of supervision and control by the central government which finally terminated in 1878 in the assumption by the state of the entire management and control of these institutions. The first step taken by the state was an enormous reduction in their number. This is the way that England solved the jail problem. Is her experience of no value to us?

As I write, there lies before me a summary of the returns made by sheriffs or keepers of the jails of Pennsylvania. Some of them report that they have no sentenced prisoners in the institution under their charge. Others have only one or two. There are a few who report a population of four or five hundred, but these are the jails of large cities like Philadelphia and Pittsburgh. The great majority of jails contain fewer than thirty sentenced prisoners. This fact must be reckoned with in all attempts at jail reform.

Economists are fond of discussing what they call the ideal unit in production. As I remember it, the ideal unit is that business organization which is neither too small nor too large to produce efficiently. It is the golden mean between the large, clumsy wasteful concern and the small business unable to take advantage of the principle of division of labor or to make use of the latest improved machinery. It is not alone in business that this question of the proper size for the unit appears. In school administration, for instance, each district cannot have a high school. Such an institution is suitable only for a larger area than a single district. Indeed, in every system, be it economic, educational or what-not, the success or failure of the system depends greatly on the size of the unit of organization. It must be made to harmonize with the facts of life.

Thus, prison administration is not without its ideal unit. In the first place, for success, a prison must have a population neither too large nor too small. What ought to be the population of an ideal prison? Opinion differs. Some say five hundred; others a thousand. It is a question not yet decided but at any rate it is safe to say that a penal institution with a population much under five hundred or much over one thousand is severely handicapped at the start. With more than a thousand inmates, the personal influence of the superintendent or warden, always of tremendous importance, is diffused and

loses its effectiveness. On the other hand, it is too much to expect that the average voter will see any necessity in paying for a high-priced man to take charge of a few petty offenders. Much less would he feel like investing in land, buildings, machinery and raw material or securing the services of competent foremen and instructors for a small group that he considers socially useless. Moreover, such a policy would be financially ruinous to nine counties out of every ten.

We cannot make our jails what they should be because the county is too small a unit of organization for a penal system. Today, prison reformers are calling on county authorities to set up institutions for the detention and reformation of criminals which are out of all proportion to the number of criminals in the county and to the wealth and administrative ability of the county authorities.

But what, it may be asked, has the size of the prison to do with such questions as cleanliness, sanitation and evil association? It is plain that a larger institution can afford better equipment for work and instruction, but what is there to prevent reform in the county jail in respect to these every-day matters?

Good management, and continuous as well, is necessary to secure good housekeeping. In most states, the sheriff has charge of the jail. He is an elective officer, chosen largely on other grounds than his ability to run a prison and rarely holding his office for more than a few years. It is the exceptional sheriff who leaves the jail in a better condition than he found it. Where the keeper is appointed, the situation is seldom better, as the salary is small and the position usually goes to a small cheap politician as a reward for party service. Secondly, most counties lack a vigorous public opinion, that spur necessary to keep most public officials up to the mark. If the county is to be the unit of prison organization, there ought to be competent critics of prison management in each county. It is doubtful if this is the case or ever will be. A few people can call into action the machinery for interesting the citizens of one of our commonwealths in the misdeeds of a state official, but it is almost a hopeless task to attempt to show up the defects of sixty-seven or more local jailers.

There seems, therefore, but one course, if we really wish to reform our county jails. The unit of organization must be enlarged and county management supplanted by state management. The counties should be grouped together with one institution for each group, thus eliminating nine-tenths of the county jails. With an institution on an average from five hundred to one thousand prisoners, a salary could be paid, which would insure the services of a competent man. In such an institution it would pay to install machinery, to have competent trade instruction and to enter on the real work of reform. Given five or six such institutions in place of sixty or seventy county jails, and we need have little fear that public opinion would fail to function properly.